

Exhibit “L”

1

1 IN THE UNITED STATES DISTRICT COURT

2 THE DISTRICT OF DELAWARE

3 - - -

4 WAYNE VAN SCOY :

5 v. :

6 VAN SCOY DIAMOND :

7 MINE OF DELAWARE, :

8 INC., KURT VAN SCOY :

9 AND DONNA VAN SCOY :

10 NO. 05-108(KAJ)

11 - - -

12 October 6, 2005

13 - - -

14

15 Oral deposition of MARK

16 MAURER, taken pursuant to notice, was

17 held at the law offices of Michael

18 Petock, 46 The Commons at Valley

19 Forge, 1220 Valley Forge Road, Valley

20 Forge, Pennsylvania, commencing at

21 1:50 p.m., on the above date, before

22 Sherry L. Stills, Court Reporter and

23 Notary Public for the Commonwealth of

24 Pennsylvania.

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28 15th Floor

29 Philadelphia, Pennsylvania 19103

30 (215) 988-9191

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1 Q. He didn't disclose to you
2 what the conflict was which he was
3 referring to?

4 A. Well, he's representing,
5 I think, one of the parties.

6 Q. Are you aware of the fact
7 that the defendants in this action who
8 are represented by Mr. Quinn are
9 attempting to invalidate the trademark
10 and service mark Van Scoy Diamond
11 Mine?

12 A. I am not aware of that.

13 Q. And they are also trying
14 to invalidate or hold the trademark
15 and the service mark Van Scoy Diamond
16 Mine invalid?

17 A. No, I am not aware of
18 that.

19 Q. Are you presently
20 operating any jewelry store under the
21 name Van Scoy Diamond Mine?

22 A. I'm operating two jewelry
23 stores, both of which were operating
24 under Van Scoy Diamond Mine, and I

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1 maintain clients that have been sold
2 over the years under that name.

3 Q. Are you aware that if the
4 defendants are successful with their
5 defense and their counterclaims to
6 hold the trademark and service mark of
7 Van Scoy Diamond Mine invalid or
8 generic, any person would be within
9 their rights to open up a Van Scoy
10 Diamond Mine in your town?

11 MR. QUINN: Objection.
12 First of all, that
13 mischaracterizes the defendants'
14 position. The invalidation claim
15 is with respect to the federal
16 registrations of those Marks, and
17 it further mischaracterizes the
18 position in the hypothetical in
19 that it does not take account of
20 any common law rights that
21 Mr. Maurer might have developed
22 over the years through use of
23 those Marks.

24 So, I object to that

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1 for bankruptcy only about 70 miles
2 away or 80 or however far it is, that
3 tremendously damaged the name in the
4 area for me.

5 Q. Okay. You no longer use
6 the name Van Scoy Diamond Mine in any
7 of your advertising?

8 A. I do in private
9 communication to the about 10,000
10 customers I built up. Absolutely.

11 MR. MICHAEL F. PETOCK:

12 What's the manner of advertizing?

13 THE WITNESS: Direct mail.

14 BY MR. MICHAEL C. PETOCK:

15 Q. You do not do the -- do
16 you use the name Van Scoy Diamond Mine
17 in advertising?

18 A. To those customers, yes.

19 Q. In what medium?

20 A. In direct mail.

21 Q. And how do you
22 communicate with them through direct
23 mail?

24 A. I have also used it, by

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